

# **EXHIBIT 9**

# Greenberg Traurig

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February 15, 2008

**VIA E-MAIL (jms@outtengolden.com)**

Justin M. Swartz, Esq.  
Outten & Golden LLP  
3 Park Avenue, 29th Floor  
New York, NY 10016

**Re: Diaz et al. v. Scores Holding Co., Inc. et al.  
Case No. 07 Civ. 8718 (S.D.N.Y. Judge Berman)**

Dear Justin:

We are in receipt of your letter of today's date in which you request that Scores Holding and Go West withdraw and re-file their pending cross-motion and extend Plaintiffs' deadline for filing a second amended complaint until March 3, 2008. We must respectfully decline your requests.

Your proposal carries with it an implicit contention that Plaintiffs' motion for conditional certification should be de-linked from the issues raised by Defendants' cross-motion. We dispute any such notion. We do not believe it is proper to send out any notice, especially while the identity of the defendants and the precise parameters of the operative complaint remain in flux.

We dispute your assessment of our cross-motion and believe that jurisdiction under the Class Action Fairness Act is similarly lacking.

With respect to your request to adjourn the Court's established deadline of January 31, 2008 for the joinder of additional parties and amendment of pleadings, I will stick with my agreement with Tammy that Plaintiffs may have two weeks after the 30(b)(6) depositions – until February 21, 2008. While we might be willing to give you a few more days on that, we are concerned about being compelled to submit a reply brief on our cross-motion without having adequate time to analyze Plaintiffs' final amendment to the complaint.

As I have stated on numerous other occasions, I am extremely concerned about Plaintiffs' continued failure to schedule dates for the three (3) remaining plaintiffs. Originally noticed at the beginning of December, there is no valid excuse for their continuing to evade testifying under oath about the particulars of their alleged claims. Scores Holding and Go West are being prejudiced by not having the benefit of their testimony for purposes of the pending motions. We urge you to schedule their depositions without further delay.

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Having complied with your request to respond to your proposal as soon as possible, we trust you will endeavor to schedule the remaining three plaintiff depositions with like alacrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil A. Capobianco".

Neil A. Capobianco

cc: Cara Greene, Esq.  
Jerrold F. Goldberg, Esq.  
Tammy Marzigliano, Esq.